

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERONIMO ROSADO, JR.,	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
LAWRENCE P. MAHALLY, et al.,	:	NO. 16-1270
Respondents.	:	

ORDER

AND NOW, this 26th day of May 2016, upon careful and independent consideration of Petitioner Jeronimo Rosado, Jr.’s petition for a writ of habeas corpus (Doc. No. 1), the Report and Recommendation (“R & R”) of United States Magistrate Judge Timothy R. Rice (Doc. No. 5), and Petitioner’s objections thereto (Doc. No. 6), it is hereby ORDERED as follows:

1. Petitioner’s objections to the Report and Recommendation are OVERRULED.

When reviewing a Report and Recommendation (“R&R”) to which a party has objected, a court must make “a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The magistrate judge found, and the Court agrees, that Petitioner’s habeas application is procedurally defaulted because Petitioner failed to fully exhaust his claims. See R&R 3–4. Petitioner’s largely incomprehensible objections argue, for the first time, that the state court lacked jurisdiction and failed to produce a final appealable order. Both of Petitioner’s objections fail for the same reasons provided in R & R; Petitioner failed to exhaust these claims in state court.

However, even if we were to consider Petitioner’s claims on their merits, they still fail. First, the state trial court plainly had jurisdiction. See Commonwealth v. Bernal, 600 A.2d 993, 994 (Pa. Super. Ct. 1992); Commonwealth v. Soder, 905 A.2d 502, 503 (Pa. Super. Ct. 2006). Finally, Petitioner’s second objection is plainly meritless. Petitioner did appeal the magisterial district judge’s guilty finding, and did file a motion to correct an illegal sentence. (See R & R 1–2.)

2. The Report and Recommendation is APPROVED and ADOPTED.
3. The petition for a writ of habeas corpus (Doc. No. 1) is DISMISSED without an evidentiary hearing.

4. A certificate of appealability SHALL NOT issue, in that the Petitioner has not demonstrated that reasonable jurists would find the correctness of the procedural aspects of this ruling debatable. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).
5. The Clerk of Court is directed to close this matter for statistical purposes.

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.